

SEARCH WARRANT AFFIDAVIT

STATE OF TEXAS }

TARRANT COUNTY }

BEFORE ME, the undersigned authority, on this day personally appeared **DETECTIVE M. PEREZ #2558**, a police officer with the Arlington, Texas, Police Department, who after being duly sworn on oath deposes and says that **SHE HAS GOOD REASON TO BELIEVE AND DOES BELIEVE THAT:**

On or about July 30, 2013, in the City of Arlington, Tarrant County, Texas, **QUINN EAKER, A WHITE MALE BORN FEBRUARY 7, 1983**, did then and there commit the offense of **POSSESSION OF MARIJUANA UNDER TWO OUNCES**, a **MISDEMEANOR**, in that he did then and there intentionally or knowingly possess a usable quantity of **MARIJUANA OF TWO OUNCES OR LESS**,

AND SHE HAS GOOD REASON TO BELIEVE AND DOES BELIEVE THAT THE FOLLOWING PROPERTY AND ITEMS:

- 1) Live **marijuana** plants in various stages of growth,
- 2) Cultivated and usable **marijuana** ready for distribution,
- 3) Materials used in the packaging, cutting, weighing and distribution of marijuana,
- 4) Components of a marijuana growing operation including, but not limited to, structural supports, high intensity lights, ballasts, tubs, water pumps, tubing/hoses, electrical timers, carbon dioxide generators, fans, air filtration systems, grow media, measuring cups, and hydroponic nutrient formula/fertilizer,
- 5) Documents including but not limited to a calendar or date book which illustrates a time keeping system noting important steps in the marijuana growing process of one or more locations that are used for the sole purpose of growing marijuana,
- 6) Books, records, notes, ledgers, bank records, and papers, handwritten or electronic, which relate to the distribution of marijuana or the receiving of proceeds from the illegal distribution and sale of marijuana,
- 7) Books, records, notes, ledgers, bank records, and papers, handwritten or electronic, which relate to members of a trafficking organization that distributes marijuana,
- 8) US Currency related to the illegal distribution of marijuana,
- 9) Property, including but not limited to electronics, vehicles, jewelry and/or computers that were used or intended to be used in the illegal distribution of marijuana,

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- 10) Property, including but not limited to, electronics, vehicles, jewelry and/or computers that were traded for and/or acquired with proceeds gained from the illegal distribution of marijuana and,
- 11) Photographs or videos of contraband and/or members of a trafficking organization that distributes marijuana,

ARE NOW CONCEALED BY QUINN EAKER, A WHITE MALE BORN FEBRUARY 7, 1983, AND SHELLIE SMITH, A WHITE FEMALE BORN NOVEMBER 6, 1959, in said county and state at **THE SUSPECTED PLACE AND PREMISES DESCRIBED AND LOCATED AS FOLLOWS:** the entire lot of 7325 Mansfield Cardinal Road, Kennedale, Tarrant County, Texas, including the main structure and any curtilage and outbuildings.

The **SUSPECTED PLACE AND PREMISES**, is more fully described as listed by Tarrant Appraisal District as 7325 Mansfield Cardinal Road, and is a triangular shaped property of approximately 3 acres. The SUSPECTED PLACE has a Kennedale address, but is located in the territorial limits of the City of Arlington, Tarrant County, Texas. The SUSPECTED PLACE is approximately 200 yards southeast of the intersection of Eden Tap Road at its intersection with Mansfield Cardinal Road. The frontage road of the SUSPECTED PLACE along Mansfield Cardinal Road is about 150 feet and the rear of the property appears to come to a point, completing the triangular shape. The property is fenced on all sides and has a gate located along the roadway of Mansfield Cardinal Road. An unpaved driveway starts at this gate and terminates near the front door of the main residential structure. The SUSPECTED PLACE has one main residential building and several outbuildings of various construction.

The main residential structure at the SUSPECTED PLACE is described as a two story dwelling and has a brown composition roof. The building is painted a grayish blue and has white trim. The front door is brown and faces southwest. A white mailbox on a wooden post is located in front of the SUSPECTED PLACE and has black numerals "7325" on a white background. An additional structure located on the west portion of the property has a brown composition roof and white siding. A pair of double doors is located on the south side of the structure. There are additional outbuildings located throughout the property which are not visible from the perimeter of the property.

The **SUSPECTED PLACE AND PREMISES IS OCCUPIED AND CONTROLLED BY QUINN EAKER, A WHITE MALE BORN FEBRUARY 7, 1983, AND SHELLIE SMITH, A WHITE FEMALE BORN NOVEMBER 6, 1959,** and person or persons whose names, identities and descriptions are unknown.

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MY BELIEF AS AFORESAID IS BASED UPON THE FOLLOWING FACTS AND CIRCUMSTANCES:

On or about July 30, 2013, I, Detective Perez #2558, hereinafter referred to as AFFIANT, was working in an undercover capacity for the Arlington Police Department Narcotics Unit and assigned to the Tarrant County Narcotics Unit Southeast Sector. AFFIANT has been a police officer for 5 years and assigned to the covert operations unit as a narcotics detective for 2 ½ years. AFFIANT has had numerous hours of training related to marijuana cultivation. AFFIANT was assigned to investigate 7325 Mansfield Cardinal Rd in Arlington, Texas which is known as the "Garden of Eden" based upon multiple reports that the residents of the property were growing marijuana.

Earlier this year, Arlington Police Officers, who your AFFIANT knows to be credible individuals, went to a public event at the Garden of Eden in an undercover capacity to investigate possible criminal activity at the location. Prior to visiting the property, the Officers received information from a credible source that the property was controlled by Shellie Smith born November 6, 1959 and Quinn Eaker born February 7, 1983. Officers were able to view photographs of Smith and Eaker prior to visiting the property. Once at the property, Officers recognized Smith and Eaker from the photographs they had viewed. While at the property, Ms. Smith gave officers a tour of portions of the property which included various gardens and plants grown on the property. Eaker spoke with officers about gardening, growing different types of bamboo, as well as various workshops that he conducts on the property. There were portions of the Garden of Eden which Officers were not able to access.

As part of her investigation, AFFIANT has conducted computerized research on the "Garden of Eden" community located at 7325 Mansfield Cardinal Road. The "Garden of Eden" has multiple online websites including, but not limited to, <http://intothegardenofeden.com>. This listed website has links to social media websites for the Garden of Eden which list their physical address as 7325 Mansfield Cardinal Road. AFFIANT viewed multiple photographs and videos of both Quinn Eaker and Shellie Smith related to the "Garden of Eden." AFFIANT has also viewed a green sign displaying the phrase "Garden of Eden" posted on the south fence line of 7325 Mansfield Cardinal Road. AFFIANT accessed Tarrant Appraisal District real estate information which listed Shellie Smith as the owner of 7325 Mansfield Cardinal Road. The same address is listed on Shellie Smith's Texas Driver License.

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The website for the Garden of Eden also advertises "Uber Dank High Vibe Cuisine". While the website indicates that Uber can mean "over the top", "extraordinary", or "super" and Dank can mean "high quality" (mostly for consumables) or "overflowing gratitude", your AFFIANT knows through her training and experience that "Uber Dank" is also slang for high quality marijuana. AFFIANT also knows that individuals who consume marijuana often refer to the sensation felt after consumption as a "high". The website mentions the word high multiple times while describing the food. In addition, AFFIANT knows that some people consume marijuana by baking it into their food.

In June 2013 an anonymous source of information provided the following information: Quinn Eaker of the "Garden of Eden" community is growing marijuana that is covered by bamboo and that there were weapons, specifically two rifles and one pistol on the property.

In July 2013, the Arlington Police Department was put in contact with Agent S. Reynolds #7051 of the Texas Department of Public Safety reference this investigation. Agent Reynolds has worked for the Texas Department of Public Safety for 23 years. Agent Reynolds has been assigned to the Criminal Investigations Division, specifically Narcotics, for the last 17 years. Agent Reynolds has been to numerous schools related to marijuana cultivation and eradication. Agent Reynolds has conducted flying missions for 17 years related to marijuana eradication and has spotted over 100,000 plants in his career. Affiant believes that Agent Reynolds is a credible and reliable individual who is capable of identifying marijuana through aerial surveillance.

On or about July 30, 2013, Agent Reynolds conducted aerial surveillance of 7325 Mansfield Cardinal Road from a manned aircraft. The surveillance was completed while the aircraft was flying more than 400ft above ground level in public airspace. Agent Reynolds told AFFIANT that when he flew over the property he observed an approximate 30 by 30 square foot area located between the pool and main residential structure of the property. Agent Reynolds described the area as containing perimeter plants that appeared to be taller than the interior plants. Based on Agent Reynolds' training and experience, the interior plants did appear to be consistent with marijuana plants. This was consistent with the information provided by the anonymous source. AFFIANT viewed digital photographs taken during the aerial surveillance and recognized the property as the same property located at 7325 Mansfield Cardinal Road.

Through training and experience, AFFIANT knows that once marijuana is grown and cultivated outdoors, it is common practice to bring the marijuana inside to process and dry. AFFIANT and Agent Reynolds also know that it is common to store fertilizers, high intensity lights, water pumps, tubing/hoses, grow media and additional equipment used to cultivate marijuana plants in buildings near the grow location.

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Based on all of this information, AFFIANT has reason to believe and does believe that marijuana is being produced, harvested, and reproduced at 7325 Mansfield Cardinal Road. As a result of AFFIANT'S experience and training as a narcotics investigator, AFFIANT knows that growers of marijuana need a time keeping system to keep track of important events which occur during the growing cycle of the marijuana.

AFFIANT knows that as part of the sale and distribution of illegal controlled substances, narcotics traffickers must maintain and keep items used in the cutting, weighing, packaging and distribution of their illegal substances. AFFIANT knows narcotics traffickers keep these types of items at their residences, stash houses, vehicles, and/or grow locations.

AFFIANT knows narcotics traffickers routinely maintain books, records, receipts, notes, ledgers, bank records, and other papers, both handwritten and on electronic devices relating to the manufacture, transportation, ordering, sale and distribution of illegal controlled substances and other illegal activities. AFFIANT knows narcotics traffickers routinely distribute, or "front", illegal controlled substances on consignment to their clients and thus keep records concerning monies owed to them. These records are commonly maintained and kept at their residences, stash houses, vehicles, and/or grow locations.

AFFIANT knows narcotics traffickers commonly maintain addresses and telephone numbers in books, papers, cellular phones, and other electronic organizers which reflect names, addresses and/or telephone numbers of associates involved in their illegal narcotics trafficking organization. These records are commonly maintained and kept at their residences, stash houses, vehicles, and/or grow locations.

AFFIANT knows that individuals who engage in the trafficking of illegal controlled substances routinely take or cause to be taken, photographs and video recordings of themselves, their associates, their property and assets, as well as of narcotics and other items associated with the illegal trafficking of narcotics.

AFFIANT knows narcotics traffickers routinely conceal in their residences and businesses, caches of illegal controlled substances, excess currency, financial instruments, precious metals, firearms, stones and jewelry as well as other items of value which are proceeds from illegal controlled substance transactions.

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AFFIANT knows based on AFFIANT'S experience and training as a narcotics investigator that narcotics traffickers make substantial profits from the illegal sale of controlled substances which they attempt to legitimize. AFFIANT knows to accomplish such goals narcotics traffickers routinely establish and utilize false and fictitious business records, foreign and domestic bank accounts, securities, cashiers checks, money drafts, letters of credit, brokerage houses, real estate shell corporations and business fronts to conceal and legitimize proceeds made from the illegal profits of narcotics trafficking. These records are commonly maintained and kept at their residences, stash houses, vehicles, and/or grow locations.

Based on the training and experience of AFFIANT and on the listed set of facts, AFFIANT has reason to believe and does believe that the above listed items will be found at 7325 Mansfield Cardinal Road, Arlington, Tarrant County, Texas. AFFIANT also has good reason to believe and does believe that announcing and knocking would jeopardize the safety of officers based on the following set of facts: AFFIANT knows that individuals involved in illegal narcotic activity often carry firearms. AFFIANT further believes that firearms are present and accessible to occupants of the property based upon the anonymous tip which was received indicating that two rifles and one handgun are present. AFFIANT believes this information to be credible because the additional information provided by the source was confirmed through the surveillance conducted by Agent Reynolds. In addition, the tip was specific as to the type and number of firearms. Your Affiant knows through her training and experience that tips which provide more specific information such as that provided in this case tend to be more credible than non-specific tips. AFFIANT has also observed a photograph, provided by the initial detectives assigned to the investigation, of a sign near the gate which advises that there is video surveillance of the property. In addition, AFFIANT has received credible information from the officers who visited the property during a public event earlier this year that digital surveillance was present at the property. Video surveillance devices enable the occupants to observe and identify individuals who approach the front entrance of the property, which could potentially compromise the safety of the officers. If the suspects are given a forewarning of officers' presence on the property, this would give the suspects an opportunity to arm themselves which would expose the approaching officers to unnecessary risk. This risk is increased by the fact that AFFIANT has observed a large chain link used to secure the outer gate onto the property which will prevent the gate from being opened without force. It will take longer for officers to make entry onto the premises which gives the occupants additional time to arm themselves. AFFIANT knows the point of entry into a house is referred to as the "fatal funnel" meaning the occupants of the house need only aim a weapon at this point of entry and wait for a target to appear. Occupants will already know that the target is the law enforcement officer making entry and that at that moment, the officer has no cover and more than likely no idea where the armed occupant of the house is located or concealed. The video surveillance and fence also gives the occupants additional time to destroy evidence.

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WHEREFORE, I ask that a warrant be issued to search for and seize at the above named and described place the aforesaid property and items, and person or persons whose names, identities and descriptions are unknown who may be found at the aforesaid location in possession of said property or in control of the area wherein said property is located, in accordance with the law in such cases provided. I further find that the affidavit states facts and information sufficient to justify entry without knocking and announcing.

Witness my signature, this the ^{1st} ~~15th~~ day of August, 2013.

Kafeross
AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, this 1 day of August, 2013, at 1:55 o'clock p m.



Kathleen Klesick
Municipal Court Judge
City of Arlington Municipal Court of Record
101 S. Mesquite Street
Arlington, Tarrant County, Texas 76010
(817) 459-7710

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